

Committee of the Whole

Substitute Offered
as an Amendment

January 6, 2020

Offered by: PRESIDENT SOMMERVILLE & COUNCILMAN FUSCO

RESOLUTION NO. ____-2020 adopting revised "Rules of Procedure for the Akron City Council;" and declaring an emergency.

BE IT RESOLVED by the Council of the City of Akron:

Section 1. That Council hereby adopts the following revised "Rules of Procedure for the Akron City Council," which shall apply during all regular and special meetings of Council or Council committees, to read as follows:

RULES OF PROCEDURE FOR THE AKRON CITY COUNCIL

SECTION I	MEETINGS
SECTION II	COUNCIL ORGANIZATION
SECTION III	COMMITTEES
SECTION IV	PARLIAMENTARY PROCEDURES
SECTION V	DEBATE AND DECORUM
SECTION VI	ENACTING LEGISLATION
SECTION VII	ELECTION PROCEDURES WHEN COUNCIL VACANCY MUST BE FILLED BY COUNCIL
SECTION VIII	MISCELLANEOUS RULES
SECTION IX	DISCIPLINE
SECTION X	GENERAL RULES

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AKRON CITY COUNCIL

SECTION I: MEETINGS

Rule 1.1. Regular Meetings

The City Council shall hold its regular meetings in the Council Chambers of the Municipal Building every Monday at 7:00 p.m. except on legal holidays or when Council, by a majority vote, decides to meet at a different location, on another day, at a different time, or not to meet. At any regular or special meeting, however, Council may recess to a time other than its next regular meeting. (*Charter, Section 33*)

Rule 1.2. Special Meetings

The Mayor, the President of Council, or any two Council members may call special meetings of the Council. At least twelve hours written notice shall be given to each member or left at each member's residence (on record with the Clerk of Council) and shall state the subject(s) to be considered at the special meeting. Notwithstanding the foregoing, individual Council members may waive personal service of notice relating to special meetings by virtue of receiving actual notice via

telephone or electronic mail. Only the subjects stated in the notice shall be discussed and/or acted upon. (*Charter, Section 33*)

Rule 1.3. Sunshine Law

(A) Open Meetings. Except as provided in Section 141 of the Charter, all meetings of Council and Council committees are declared to be public meetings open to the public at all times. No resolution, rule, regulation, or formal action shall be adopted or passed by Council or a Council committee except at meetings open to the public.

(B) Notice. The Clerk of Council shall, at least 24 hours prior to any regular meeting of Council or a Council committee, post notice of the meeting. Such notice shall set forth the time and place of the meeting on a common bulletin board located on the third floor of the Municipal Building and on the City of Akron website.

Any meeting of Council or a Council committee which is not a regularly scheduled meeting shall be considered a special meeting of the body. Notice of a special meeting shall be posted within the same time limit and in the same manner as notice for regular meetings and shall also state the purpose of the special meeting. In the event of an emergency requiring immediate official action, the Clerk of Council shall notify the news media who have requested notification immediately by e-mail or fax of the time, place and purpose of the emergency meeting.

The Clerk of Council shall provide, at cost, to any news media or other individual who has requested notification of either Council or Council committee meetings or a particular topic, notice of any regular or special meeting of Council or a Council committee or any meeting at which that particular topic is to be addressed at least 24 hours prior to the meeting. Such notification shall be given electronically or telephonically to the media or individual requesting the notification. (*Charter, Sections 33 and 141*)

(C) Minutes. The minutes of any regular, special or emergency meeting of Council or a Council committee shall be promptly prepared, filed, and maintained and open to public inspection.

SECTION II: COUNCIL ORGANIZATION

Rule 2.1 Eligibility to Vote

Those Council members eligible to vote for officers of Council at the organizational meeting are those who have taken the oath of office on or before the last Council meeting in December following their election. (*Charter, Section 29*)

Rule 2.2 Elective Officers

The elective officers of this Council shall be a President, Vice-President, President Pro-Tempore (hereinafter "President Pro-Tem"), and any others that Council deems necessary. (*Charter, Section 32*)

Rule 2.3 Election of Officers

The officers of Council shall be elected by a majority vote of all Council members. All nominations shall require a second and no member may nominate or second his/her own candidacy for an officer position. Notwithstanding the foregoing, any member of Council may, once recognized by the presiding officer, express his/her interest in serving in a particular position.

If after two separate votes for a particular position no member/candidate has been selected by the majority of Council, then the candidate (or candidates in the event of a tie) receiving the lowest total votes on the most recent ballot shall be removed from consideration and the other candidates shall remain for further voting on the position in question. This process shall continue until the officer is elected.

Rule 2.4 Time of Election

The officers of Council shall be elected at the first meeting of Council held in January of even numbered years.

Rule 2.5 Term of Office

The term of the elected officers of Council shall commence immediately upon their election and shall extend, so long as they continue to remain Council members, until a successor officer is elected as described in Rule 2.4, or the officer is removed as described in Rule 2.6 below.

Rule 2.6 Removal/Vacancies of Officers and Chairpersons of Committees

The officers of Council and the chairpersons of Council committees shall serve at the pleasure of Council. The removal of an officer requires a vote of the majority of the members of Council.

No member of Council may hold more than one officer position at any one time. In the event of the removal of an officer or the vacancy of an office due to the death, resignation or extended absence of that officer, a new officer shall be elected to fill the vacated position, by a majority vote of existing Council members, within thirty (30) days of the removal or vacancy occurring. If a vacancy is not filled within the aforementioned 30 days, then the President (or current presiding officer) shall fill the vacancy by appointing a member of Council to the vacated position. See Rule 3.6 for a definition of "extended absence".

The removal of committee chairperson requires a vote of the majority of the members of Council. Unless removed from the committee by Council leadership as set forth in Section IX, the member shall continue to serve on the committee after removal as chairperson. See Rule 3.4 for procedures for selection of a new committee chairperson following the removal of a chairperson.

Rule 2.7 Presiding Officer

Unless otherwise prescribed by these Rules, the President is the presiding officer of Council. In the President's absence, the Vice-President shall preside; in the absence of both the President and Vice-President, the President Pro-Tem shall preside. In the absence of all of these officers, Council shall choose a temporary presiding officer.

Rule 2.8 Duties of the President

The President shall maintain and keep the rules of Council, and countersign all requisitions for the purchase of miscellaneous materials for Council or the Council Clerk's Office. In the absence of the President, the Vice-President shall perform the duties of the President and in the absence of both the President and Vice-President, the President Pro-Tem shall perform these duties.

The President retains ultimate authority to direct and supervise the Clerk of Council, the Deputy Clerk of Council, and any of their staff.

Rule 2.9 Organizational Session of Council

An organizational session of Council shall occur during first meeting of Council held in January of even numbered years. The Clerk of Council shall preside at the organizational session of Council until the President of Council is elected. If the Clerk of Council is absent, the Deputy Clerk shall preside. If both are absent, Council shall select a suitable person as Clerk Pro-Tem, who may be a member of Council, to preside at the organizational session.

Rule 2.10 Agenda for the Organizational Meeting of Council

- A. Presiding Officer calls meeting to order.
- B. Council members take their seats.
- C. Presiding Officer appoints a chief teller and two observers. The observers are members of Council. Whenever possible, one shall be of a different political affiliation from the other.
- D. Members of Council elect the President of Council.
- E. The President takes the chair.
- F. The President appoints observers, members elect Vice-President, and President announces results.
- G. The President appoints observers, members elect President Pro-Tem, and President announces results.

H. Adjournment.

Rule 2.11 Appointment of Staff

The Council shall be the appointing authority in the employment of the classified service of a Clerk and such other employees as it may require. These employees shall perform the duties required by the Charter or by Council. (*Charter, Section 32*)

Rule 2.12 Communications with the Administration

Except for the purpose of inquiry, the Council and its members shall deal with the administration and City employees solely through the Mayor or his designates and neither the Council nor any member thereof shall give orders to any of the subordinates of the Mayor either publicly or privately. (*Charter, Section 30*)

SECTION III: COMMITTEES

Rule 3.1 Standing Committees

There shall be five (5) members on each standing committee. The nine standing committees shall be as follows:

- a. Budget and Finance.
- b. Health & Social Services.
- c. Housing & Neighborhood Assistance.
- d. Parks & Recreation.
- e. Planning and Economic Development.
- f. Public Safety.
- g. Public Service.
- h. Public Utilities & Green.
- i. Rules.

Rule 3.2 Special Committees

The President of Council may create special committees as are necessary to carry out the duties of Council. Membership on special committees will be established by the President of Council.

Rule 3.3 Selection of Committees

Immediately after the organizational meeting of the new Council, and their election to Council leadership, the President, Vice-President, and President Pro-Tem shall meet to select the chairpersons, vice chairpersons, and other members of the standing committees. The President shall formally announce Council leadership's selections.

Rule 3.4 Committee Chairpersons and Vice Chairpersons

The Chairperson is the first name appearing on the list of committee members and the Vice Chairperson will be the second name appearing on the list of committee members. The committee Chairperson shall be the Presiding Officer at committee meetings. In the absence of the Chairperson, the Vice Chairperson shall perform the duties of the Presiding Officer. In the absence of the Chairperson and the Vice Chairperson, the committee member with the most seniority shall act as the Presiding Officer.

Should a committee chair be removed by a majority vote of Council (Rule 2.6), the elected officers of Council shall meet thereafter, and within thirty (30) days of the removal, select the new committee chair and vice chair, as applicable. The President shall thereafter formally announce the selection.

Rule 3.5 Committee of the Whole

Subject to the procedures set forth in Rule 4.15, the Council may resolve itself into a Committee of the Whole when it wishes so that the entire Council may consider an issue. Procedures for the Committee of the Whole are detailed in Rule 4.15.

Rule 3.6 The President, Standing Committees & Committee Vacancies

The President may serve as a regular committee member with full power to vote for a maximum of thirty (30) days in the event of a vacancy. A vacancy may occur due to the death, resignation, extended absence, or removal of a Council member from a committee. Should a committee member be removed from a committee or a vacancy occur, the elected officers of Council shall meet thereafter, and within thirty (30) days of the removal, select the new committee member to fill the vacancy. The President shall thereafter formally announce the selection.

Subject to the procedures outlined in Rules 2.6, the President shall fill any vacancy on a committee existing more than thirty (30) days after the vacancy occurs by appointing another member of Council to serve on the committee.

As used in these Rules, "extended absence" shall be determined in the discretion of the President (or Vice President if the President is the Council member who is absent), but in no event shall be construed to mean anything less than three (3) consecutive unexcused absences at general meetings or three (3) consecutive unexcused absences at standing committee meetings.

Rule 3.7 Committee Meetings

The committees shall meet only when legislation is pending before that committee and in the Council Chambers, Committee Rooms and/or other places announced in compliance with Rule 1.3 above at such a time designated by the Committee Chairperson.

Rule 3.8 Duties of Committees

The committees shall consider every ordinance or resolution submitted to Council. No committee shall recommend approval or disapproval of an ordinance or resolution until it has been considered at a committee meeting.

Rule 3.9 Quorum for Committees

Committees must have a majority of members present for a quorum. A majority vote of the members present is necessary to take action.

Rule 3.10 Removal of Items from Committee Agendas

Excluding any pending requests for conditional use, any items remaining on a Committee agenda after the last meeting of Council in December immediately preceding a new session of Council (which occurs once every four (4) years), shall be filed and removed from the agenda.

SECTION IV: PARLIAMENTARY PROCEDURES

Rule 4.1 Call to Order

At the time appointed for the Council to meet, the President or other presiding officer, as the case may be, shall take the chair and immediately call the members to order.

Rule 4.2 Roll Call

Before proceeding with the business of Council, the Clerk or Deputy Clerk shall call the roll and enter in the minutes the members present or absent.

Rule 4.3 Quorum

A majority of all the members of Council shall constitute a quorum. In the absence of a quorum, a majority of the members present may vote to recess for not more than one hour in order to compel the attendance of absent members. Penalties may be prescribed by ordinance. (*Charter, Section 32*)

Rule 4.4 Order of Business

Council shall transact business in the following order at all regular meetings. Any deviation from this order shall be within the discretion of the Presiding Officer, which may be overruled by a majority vote of Council.

1. Roll call
2. Prayer and Pledge of Allegiance

3. Consent Agenda
4. Regular Agenda (The following items will be considered and/or voted on separately.)
 - a. Reports of Standing and Special Committees
 - b. Ordinances and Resolutions held over from previous reading
 - c. First reading of Ordinances and Resolutions
5. Public Comment
6. Announcement of Committee Meetings
7. Good and Welfare
8. Adjournment

Rule 4.5 Suspension of the Rules

These Rules of Procedure may be temporarily suspended by a vote of two-thirds (2/3) of the members of Council.

Rule 4.6 Questions/Motions

When a motion has been made and seconded (if applicable), the Presiding Officer shall state the motion, which places it before Council. Following debate, the Presiding Officer shall put the motion before Council for a vote and announce the results of that vote.

Except when otherwise specifically required by the Rules of Council, laws of the State of Ohio, or City Charter and Ordinances, a simple majority vote of Council is sufficient to pass any motion.

Rule 4.7 Clarification/Roll Call

The Presiding Officer or any other member of Council may demand a clarification/roll call of the results of particular vote. To verify the results of a vote, the Presiding Officer shall retake the vote in question in a manner adequate to assure the correctness of the outcome by roll call.

Rule 4.8 Previous Question (Demand for a Vote)

The motion calling the previous question is a motion made by a Council member who has the floor that – if passed— closes debate, stops further amendments to the last motion and brings the underlying motion to an immediate vote. A motion calling the previous question must be passed by a vote of the majority of the members of Council.

The motion calling the previous question applies only to the last motion made and cannot be amended or debated. It is not in order for a member of Council to move the previous question immediately after making a main motion, or speaking to the substance of the main motion under consideration. It is out of order for a member of Council to move the previous question if he/she does not have the floor.

Rule 4.9 Objection to Consideration

As soon as a motion or an ordinance/resolution has been stated, any member may object to consideration. This motion cannot be amended or debated, but this motion must be made before debate on the underlying motion or ordinance/resolution has begun, otherwise it is out of order. It requires a majority vote of the members of Council to pass.

Rule 4.10 Reconsideration

Any member who previously voted with the prevailing side may move to reconsider any vote or proceeding of the Council. This motion must be made during the same meeting at which the vote in question took place, and requires a majority of the members of Council to pass. An action by Council shall be reconsidered only once and is subject to the provisions of the City Charter and applicable law.

Rule 4.11 Point of Privilege

Raising a point of privilege is a motion which may interrupt pending business because of its necessity for immediate consideration. Raising a question of privilege is only in order when the comfort, safety, or reputation of Council or one of its members is at stake. This motion may be made when another member has the floor and does not require a second.

When a member raises the point of privilege, the Presiding Officer determines if it is indeed a question of privilege and if it is urgent enough to interrupt pending business. There are two types of points of privilege, that of Council and that of the individual member. The first relates to Council as a whole and may be matters of the organization or existence of Council: including subjects such as comfort, the conduct of officers, employees or visitors, punishment of members, the accuracy of published reports of the proceedings, and requests to go into executive session. The second is the question of personal privilege and may concern an incorrect record of a Council member's participation in a meeting or charges being circulated against a member's character. The first type takes precedence. If it is a simple point of privilege, the matter may be handled informally. If the Presiding Officer concludes the point of privilege to be of major importance, the issue may be considered by Council before pending business is resumed.

Rule 4.12 Point of Order

A point of order is the motion made when a member of Council believes the rules of Council are being violated. This motion may be made when another member has the floor and does not require a second. The Presiding Officer must determine the validity of the motion. If the decision is

that the rules are being violated, the Presiding Officer shall enforce the rules of Council. In order to be considered, a point of order motion must be timely made prior to debate on the underlying subject at hand. The decision of the Presiding Officer is final, and there shall be no rights of rebuttal or appeal of the same.

Rule 4.13 Point of Information

A point of information is a request by a member of Council to the Presiding Officer requesting additional information relevant to the business at hand. The Presiding Officer shall direct the request to the appropriate person and all information shall be exchanged through the Presiding Officer in order to maintain decorum.

Rule 4.14 Recess

Notwithstanding the privilege of the President described in Rule 4.16, any other member of Council may move for a brief recess. Any request for recess under this Rule must include the proposed duration of the recess, which must be a reasonable period of time. This motion requires a majority of the members of Council to pass.

Rule 4.15 Committee of the Whole

When Council resolves itself into a Committee of the Whole, Council shall select a chairperson by a majority vote. The President or Clerk shall announce the results of the vote to resolve into a Committee of the Whole, and the applicable rules of Council shall be observed. The Council may establish additional time limitations for debate and discussion prior to resolving itself into a Committee of the Whole.

Rule 4.16 Privilege of the President

The President may participate in debate as a member of Council.

In his or her sole discretion, the President may recess during any meeting over which he/she is the Presiding Officer, for a reasonable period of time. This is a privilege of the President and does not require Council's consent or a vote.

Rule 4.17 Amendment

There are two forms of a motion to amend: a motion to amend a pending motion (e.g. a motion to recess) and a motion to amend a pending ordinance/resolution.

Any motion to amend must be germane, and made prior to any vote on the underlying motion or ordinance/resolution. Motions to amend pending ordinance/resolution shall be made in writing – setting forth the specific language to be inserted, deleted, and/or altered within the pending ordinance/resolution.

Adoption of a motion to amend does not adopt/pass the underlying motion or ordinance/resolution, but rather merely alters the motion or ordinance/resolution, as applicable. The underlying motion or ordinance/resolution can then be acted on, as amended.

See Rule 6.15 regarding amended ordinances and resolutions.

Rule 4.18 Procedures Not Included in the Rules

In the absence of any provision governing matters of business in either the Rules of Council, the laws of the State of Ohio, or the City Charter, Robert's Rules of Order Newly Revised shall be the standard of parliamentary usage.

SECTION V: DEBATE AND DECORUM

Rule 5.1 Preservation of Decorum

The Presiding Officer shall preserve decorum and maintain order at all times, prevent personal reflections of Council members, and confine members to the motion/question/legislation before Council. The Presiding Officer or any other member of Council may call to order a member who violates any of these rules. This decision shall be subject to an appeal to the whole of Council at the request of any one member, who shall state the reasons for the appeal. There shall be no debate on such an appeal, but the Presiding Officer shall have the right to answer the appeal prior to a vote.

Rule 5.2 Speaking by Council Members

When Council members wish to speak they shall address themselves to the Presiding Officer and shall not speak until recognized by the chair. Members shall speak standing, if able, from their own desks and for no longer than five minutes at one time without permission from the Presiding Officer. With the exception of public hearings, no member shall speak more than twice, for a total time not to exceed 10 minutes, on the same motion/question/legislation. Unless otherwise required by these Rules, the speaker previously acknowledged by the Presiding Officer and with the floor shall not be interrupted except by the Presiding Officer, who may confine the member to the motion/question/legislation under discussion.

Rule 5.3 Speaking by Non-Members of Council

Any person may initially address Council concerning matters scheduled for public hearing during committee meetings and public hearings of Council. A person may comment on additional matters at a committee meeting if that person receives prior approval from the committee Chairperson.

A public comment period will be held at each regularly scheduled Council meeting. Requests to address Council by members of the public shall be limited to matters within Council's authority, and shall be delivered or communicated to the Clerk of Council, in writing, before the start of the meeting at which the individual intends to speak. The written request shall include the name of the

requesting party and the topic or legislation on which the party wishes to speak. No individual shall address or present to Council until such individual is called upon by the Presiding Officer and sworn in. No member of the public shall be permitted to address Council in excess of three (3) minutes during public comment period, unless otherwise permitted by the Presiding Officer. At the public comment period, the Presiding Officer may elect to address a member of the public after adjournment and/or suggest during the comment period that the speaker contact City staff or another governmental entity or agency for future assistance.

Rule 5.4 Leaving Council Chambers

No member shall leave the Council floor while a meeting is in session without the permission of the Presiding Officer. When a vote is taken, the vote of any Council member not in his or her seat at the time of the vote shall be recorded as “did not vote.” Any member leaving without permission may be subject to discipline.

Rule 5.5 Proper Language & Attire

The use of profane or vulgar language, either by Council members or by any other person attending the Council meeting, is positively forbidden. At meetings, all Council members shall dress appropriately and conduct themselves in a professional manner.

Rule 5.6 Power to Preserve Decorum

Council, by a majority vote, may punish or expel from the subject meeting any member of Council guilty of disorderly conduct or violation of Council rules. (*Charter, Section 30*)

Rule 5.7 Use of Cell Phones and Other Electronic Devices

During Council and committee meetings, members of Council shall refrain from using cell phones or other personal devices and shall refrain from making or accepting phone calls, text messages or other personal electronic communications. This rule shall not apply to emergency situations or be interpreted to prevent members of Council, during Council meetings, from using laptops or tablets to conduct or facilitate official Council business. (*Resolution No. 400-2015*)

Rule 5.8 Abstention

Unless a conflict of interest or other legitimate reason prohibits a member of Council from voting on a particular matter, it is expected that all members will vote on all items upon which they could vote. Abstentions shall not be used by any member of Council in order to avoid taking a position on an issue.

It shall be in order for the President, or any other member of Council, to question another member’s abstention, if they believe it is in violation of this Rule, by making a point of order, as described in Rule 4.12. In that instance, the abstaining member would be given an opportunity to explain the conflict of interest or other factor that prohibited them from voting on the issue. The

President shall enforce this Rule, up to and including discipline as set forth in Section IX.

Rule 5.9 Absence

Members of Council shall use their best efforts to attend all meetings of Council, including meetings of committees on which they serve, and shall avoid extended and/or multiple unexcused absences. If a member of Council anticipates missing a regular meeting, he or she will notify the Clerk of Council or the President of the impending absence, and the reason for the same. Upon consideration of the reason stated, the President, in his or her sole discretion, shall determine whether or not to excuse the individual Council member's absence.

Members who take unexcused absences may be subject to discipline as set forth in Section IX, and in the case of extended absences, that member's seat on a committee may be considered vacant as set forth in Rule 3.6.

SECTION VI: ENACTING LEGISLATION

Rule 6.1 Council Actions

Unless otherwise explicitly authorized by the Charter, the Council shall act officially only by ordinance or resolution. (*Charter, Section 34*)

Rule 6.2 Vote Needed to Adopt

The affirmative vote of the majority of all members of the Council shall be necessary to adopt any ordinance or resolution unless they are emergency measures. (*Charter, Section 34*)

When the term offered by "Council as a Whole" is used with legislation, it shall mean those Council members in attendance at the meeting when the legislation is being considered. If one or two members of Council in attendance do not wish to sponsor legislation the term "Council as a Whole except . . ." may be used. If three or more Council members do not wish to sponsor the subject legislation, the term "Council as a Whole" shall not be used.

Rule 6.3 Emergency Measures

When an emergency measure is presented to Council, the nature of the emergency shall be stated and defined. Ordinances appropriating money may be passed as emergency measures. Ordinances or resolutions that may not be passed as emergency measures are those measures making a grant, renewing or extending a franchise or special privilege, and regulating the rate which any public utility may charge for its services. (*Charter, Section 35*)

Rule 6.4 Passing Emergency Measures

A two-thirds (2/3) vote of all the members of Council is necessary to pass an emergency measure. (*Charter, Section 35*)

Rule 6.5 Voting Procedures

The vote for the passage of all ordinances and resolutions shall be taken by “Yea” and “Nay.” The vote of any Council member present at a meeting, but not in chambers or seated at the time of the vote shall be recorded as “did not vote.” All votes shall be recorded in the minutes. (*Charter, Section 34*)

Rule 6.6 Presenting Ordinances and Resolutions to Council

Proposed ordinances and resolutions shall only be introduced in written or printed form. Each one shall contain only one subject, which shall be clearly stated in the title. The exceptions are a general appropriation ordinance, which may contain the various subjects and accounts for which moneys are to be appropriated, and a consent agenda. (*Charter, Section 34*)

Rule 6.7 Uniform Report Form

All legislation accepted by the Clerk’s or Council’s staff shall be accompanied by a completed uniform report form, unless the requirement is otherwise waived by the President. Unless otherwise permitted by the President, no legislation received without the uniform report form will be considered by Council.

Rule 6.8 Consent Agenda

A consent agenda, consisting of any number of ordinances or regulations, may be voted upon. Any Council member may remove an item from the consent agenda until the beginning of the Council meeting. (*Charter, Section 34*)

Rule 6.9 Requesting & Introducing New Legislation

All requests for new legislation must be submitted to the Department of Law via email at legislation@akronohio.gov by not later than 4:00 p.m. on the Wednesday preceding the regularly scheduled meeting of Council at which the legislation is to be introduced, unless otherwise approved by the President. No legislation may be considered by Council unless said legislation has first been submitted to, and prepared by, the Department of Law.

Neither the Clerk of Council nor any member of the Clerk’s or Council’s staff shall request the Department of Law to draft any legislation unless specifically requested or directed to do so by either the order of Council or a member of Council, except when the Clerk is performing official duties as mandated by Charter.

All requests for legislation must be specific and accompanied by sufficient documentation and/or information clearly evidencing the purpose and proposed content of the requested legislation, including any applicable uniform report forms. If legislative requests are not made with enough specificity, as may be determined by the Department of Law, said requests will not be drafted or considered.

Further, all new legislation submitted in the manner described in this section must be received by the Clerk of Council by 12:00 p.m. the Friday before the legislation is to be introduced. Legislation received after the times stated above will not be considered unless approved by the President.

In the event an emergency meeting of Council is called, Council members shall use all reasonable efforts to request any necessary emergency legislation by contacting the Department of Law as soon as possible.

Rule 6.10 Assigning New Legislation

The Presiding Officer shall assign all new legislative items to the appropriate committee or committees by 3:00 p.m. on the Friday prior to a regularly scheduled Council meeting. No legislation may be introduced, considered, debated, called to vote, or otherwise brought before any committee or Council without the prior approval of the Presiding Officer. Any attempt by any member of Council to introduce, discuss, debate, or vote upon proposed legislation, whether during committee meetings or otherwise, that has not been so approved by the Presiding Officer shall be out of order.

Rule 6.11 Copies of Legislation

When legislation is presented to Council, the Clerk of Council shall distribute copies to each Council member who requests them, either in hard copy or electronically, and publish the legislation on the Council website.

Rule 6.12 Number of Readings

Unless it is declared an emergency, all ordinances shall be read on three separate days. To eliminate reading on three separate days, the requirement must be dispensed with by a vote of two-thirds (2/3) of all the members of the Council. (*Charter, Section 34*)

Rule 6.13 When Legislation Becomes Effective

Unless it is an emergency measure, an ordinance or resolution becomes effective thirty days after Council has passed it. If it is an emergency measure, the ordinance or resolution becomes effective at the time stated within the legislation. (*Charter, Section 18*)

Rule 6.14 Procedures for Reading in Legislation and Other Information

During the Council Meeting the Clerk of Council shall read the title of all ordinances and resolutions.

Rule 6.15 Amendments and Substitutions

It shall be in order to amend or substitute an ordinance/resolution at any time. An amended ordinance/resolution is one which has been subject to a motion to amend. A substituted ordinance/resolution is one which has been altered and resubmitted by the sponsor. The correction of a clerical error(s) in an ordinance/resolution is in order at any time, and shall not be considered an amendment or substitution. If an ordinance/resolution is amended or substituted after its second reading, it shall be read as the second reading thereof.

Rule 6.16 Notification of Zoning Measures

When a zoning measure is presented to Council, the Clerk of Council shall notify by first-class mail the owners and residents of property within, contiguous to, and directly across the street from the property involved in the ordinance. Notice of such ordinances must also be published in a newspaper of general circulation in the City. Council shall not act upon such ordinances until fifteen (15) days after the Clerk of Council has mailed and published the notices. (*Charter, Section 34A*)

Rule 6.17 Approval of Zoning Measures

When a petition signed by fifty-one percent (51%) of the electors residing in a precinct and/or in one or more adjoining precincts as hereinafter specified shall have been filed with the Clerk of the Council prior to final passage by Council of an ordinance changing the use, area, and/or height classification, or granting a conditional use in any Residential Zoning District within the City of Akron, and said petition registers disapproval of such proposed ordinance, as hereinafter provided, then said ordinance shall not be passed except upon a three-fourths (3/4) vote of the members of Council. (*Charter, Section 34A*)

Rule 6.18 Zoning Changes

If Zoning changes, requests for zoning changes, or Conditional Zonings are rejected or withdrawn after a public hearing before Council, these shall not be considered again for twenty-four (24) months, unless a majority of Council vote to consider such request prior to the expiration of the 24-month period.

Rule 6.19 Confirmation of the Mayor's Appointments to Boards and Commissions

The Mayor's appointments to Boards and Commissions requiring City Council's confirmation will be referred to the appropriate Council committee which will, after evaluation and/or a hearing, make a recommendation to the Council.

SECTION VII: ELECTION PROCEDURES WHEN COUNCIL VACANCY MUST BE FILLED BY COUNCIL

Rule 7.1 Requirement for Filling Vacancies

Upon a vacancy in the office of any Council member where one-half or less of the term is remaining, the members of Council shall elect a qualified individual to serve the remainder of the term. If the unexpired term is greater than one-half of the regular term, the vacancy shall be filled, and nominees for such office selected, by elections held at the same time and in the same manner as the next regularly scheduled primary and general elections at which all electors of the City are eligible to vote. (*Charter, Section 28, Subsection 4*)

Rule 7.2 Legislation Requesting Election

Council shall pass a resolution providing for and setting the date for an election by Council to fill a vacancy in the office of any Council member.

Rule 7.3 Requests to Become a Candidate

Those wishing to be considered as a candidate for the vacancy shall apply in writing. The deadline for accepting these written notices or applications shall be seven (7) days before the day of the election.

Rule 7.4 Preparation of Ballots

The Clerk of Council shall prepare the ballots with the names of candidates for the position.

Rule 7.5 Nominations from the Floor

Prior to the taking of the first ballot, additional candidates may be nominated from the floor by any member of Council, which shall be added to the ballots in conformance with Rule 7.4.

Rule 7.6 Tellers

The Clerk of Council and the Deputy Clerk of Council shall act as tellers. In the absence of either of these, the President shall appoint a teller or tellers to take their place.

Rule 7.7 Balloting Procedures

The Clerk of Council shall provide each member with a ballot. The Clerk shall collect the marked ballots from each Council member. The Council member shall place the ballot in a box which the Clerk shall provide. This procedure shall be followed each time a separate vote is taken.

Rule 7.8 Appointing Judges

Before counting and tabulating the ballots, the Presiding Officer shall appoint three Council members to act as judges. When possible, not more than two of the judges shall be members of the same political party.

Rule 7.9 Responsibilities of Tellers and Judges

The tellers and judges shall observe and certify the results of each ballot by affixing their names to the tally sheet.

Rule 7.10 Elections

Before an election can be held, a quorum of Council members must be present. To be elected a candidate shall receive the vote of a majority of the duly elected members of Council.

SECTION VIII: MISCELLANEOUS RULES

Rule 8.1 Use of Council Chamber, Council Lounge and Conference Rooms

The Council Chamber, Council lounge and conference rooms shall be for the exclusive use of Council or its committees. The President and in his/her absence the Clerk of Council, may grant requests for any other use. In the event of an emergency, the Service Director may grant special authority for the use of the Council Chamber when the Chamber is not being used by Council.

Rule 8.2 Access to the Offices of Council and Clerk of Council

Access to the offices of Council and Clerk of Council is restricted to the members of Council, the Clerk of Council and the members of their respective staffs. Access by all others is by the invitation of Council members, the Clerk of Council and the members of their respective staffs.

SECTION IX: DISCIPLINE

Rule 9.1 Discipline Generally

As described in Rule 5.6 above and in the Akron City Charter, Council is authorized to create and enforce its own rules of procedure and to discipline any of its members for improper conduct or violation of the rules. The formal disciplinary process described in this Section is reserved only for serious violations of the rules, major breaches in decorum, or other behavior Council believes has a significant detrimental and/or deleterious effect, and is a measure of last resort.

Rule 9.2 Code of Ethics

City Council is expected to govern this city in a manner associated with a commitment to the preservation of the values and integrity of representative local government and local democracy and

a dedication to the promotion of efficient and effective governing. To further these objectives, City Council members shall comply with all applicable federal, state, and local ethics laws, including but not limited to laws related to financial and personal conflicts of interest, and shall comport themselves with honesty, respectfulness, decorum, and integrity in all their affairs.

Rule 9.3 Maintaining Order during Council Meetings

Call to Order. If after a warning from the Presiding Officer, any member remains or subsequently becomes out of order, that member may be “called to order,” meaning that he or she will be formally declared out of order and asked to be seated and remain silent. Any member may be called to order by the Presiding Officer without a formal vote by Council.

Expulsion. After a warning and for cause, and upon a vote of a majority of the members of Council, any member of Council may be expelled for the duration of a Council meeting.

Rule 9.4 Discipline for Conduct during or outside Council Meetings

The formal disciplinary procedure utilized by Council for the discipline of its members shall be known as censure. The censure procedure shall be progressive in severity and shall consist of 3 categories – private counseling, censure and public censure. Upon being made aware of a complaint that a member of Council has violated these Rules, either during or outside a Council Meeting, the Council President shall provide the relevant Council member with an opportunity to address the allegation/complaint with Council leadership prior to disciplinary action being taken.

Private Counseling. Upon reasonable belief that a violation of these Rules has occurred, Council leadership shall meet with the relevant Council member(s) and counsel them to correct the behavior. Whenever practical, private counseling shall be the first level of discipline for members of Council, provided, however, that any member of Council can call for a censure or public censure at any time.

Censure. Upon majority vote of the members of Council and for cause, any member of Council may be censured for violation of these Rules. As used in this Rule, censure will take the form of an oral motion expressing Council’s displeasure with the actions or inactions of the sanctioned member and will be made at either a regular or special meeting of Council. Censure shall be used when private counseling has failed to result in a correction of the behavior or the violation of the Rules threatens to interfere with official Council business by bringing disrepute on the Office of Council.

Public Censure. A public censure is identical to a standard censure except that in lieu of an oral statement, Council shall state its displeasure in a written resolution. Additionally, the Presiding Officer shall direct the Clerk to publish notice of the censure in a newspaper of general circulation in the City and post such censure prominently on the City Council website for at least 30 days. A public censure shall be reserved for egregious or repeated violations of the Rules.

9.5. Additional Action Following Discipline

Following a censure, Council leadership shall be permitted to take additional disciplinary action against any member of Council, including removal from Council committees or committee chairmanships, denial of travel requests, or other matters within the authority of Council leadership, as appropriate.

SECTION X: GENERAL RULES

Rule 10.1 Amendment of Rules

These rules may be amended, altered, or new rules adopted by a concurrent vote of the majority of the members of Council. The Rules Committee shall make its report before the amended, altered, or new rules are adopted.

Rule 10.2 Record of Proceedings

The Council shall keep a record of its proceedings. (*Charter, Section 30*)

Section 2. That all prior rules for the Akron City Council shall be deemed repealed on and after the effective date of this resolution.

Section 3. That this resolution is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health or safety for the reason that these rules should take effect immediately to provide for the orderly and expeditious transaction of Council business, and provided this resolution receives the affirmative vote of two thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

Passed _____, 2020

Clerk of Council

President of Council

Approved _____, 2020

MAYOR

UNIFORM CITY COUNCIL REPORT
PART I

Subject/Project: Resolution for revised rules of procedure for Akron City Council
Department of Origin: Council
Bureau of Origin: _____
Division of Origin: _____
Fact Sheet Prepared by: President Sommerville, Councilman Fusco Date: 1/6/2020

Financial Data

Current Request:	Budget Cost		Current Estimate of Costs		Additional Appropriation Over Budgeted Amount
	Source	Amount	Source	Amount	
Total Project (if applicable):	Source	Amount	Source	Amount	

PART II

Purpose of Legislation:

Adopting revised Rules of Procedure for the Akron City Council.

Impact or Objective of the Legislation:

Revise Rules of Procedure

Alternatives:

Earlier Legislation on this Subject:

R 53-2012

Additional Comments/Remarks (as appropriate):